

Remarks

This Application has been carefully reviewed in light of the Office Action mailed August 7, 2008. Applicant appreciates Examiner's consideration of the Application. Applicant believes all claims are allowable without amendment and respectfully provides the following remarks. Applicant respectfully requests reconsideration and allowance of all pending claims.

I. Claims 1-8, 17-21, and 29-35 Recite Patentable Subject Matter

The Examiner rejects Claims 1-8, 17-21, and 29-35 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully disagrees.

With regard to Claims 1-8, 17-21, and 29-35, the Examiner states the following:

Based on Supreme Court precedent and recent Federal Circuit decisions, §101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing . . . If neither of these requirements is met by the claim(s), the method is not a patent eligible process under 35 U.S.C. §101. In this particular case . . . the claims are not considered sufficiently tied to another statutory class . . . [and] the steps do not sufficiently transform the underlying subject matter. Thus, the applicant needs to tie all the method steps in the body of claims 1-8, 17-21, and 29-35 to another statutory class (i.e., a product or thing) for these claims to be statutory.

(*Office Action*, p. 3) (internal citations omitted).

Patentable subject matter is “any new and useful process, machine, manufacture or composition of matter, or any new and useful improvement thereto.” *See* 35 U.S.C. § 101. The Supreme Court has held, however, that a claim is not a patent eligible “process” under § 101 if it claims “laws of nature, natural phenomenon, [or] abstract ideas.” *See Diamond v. Diehr*, 450 U.S. 175, 185 (1981) *citing Parker v. Flook*, 437 U.S. 584, 589 (1978), and *Gottschalk v. Benson*, 409 U.S. 63, 67 (1972). In determining whether a process is patent eligible under 35 U.S.C. § 101, the Supreme Court has articulated (and the United States Court of Appeals for the Federal Circuit has recently affirmed) the “machine-or-transformation test.” *Benson*, 409 U.S. at 70; *see also In re Bilski*, No. 08/833,892, 2008 WL 4757110, at *11, (Fed. Cir. October 30, 2008). Under the “machine-or-transformation test” a

claim directed to a process is patent eligible if the claim either “is tied to a particular machine” or “transforms an article into a different state or thing.” *See Bilski*, 2008 WL 4757110 at *11 *citing Benson*, 409 U.S. at 70. Thus, for a claim directed to a process to be patent eligible under 35 U.S.C. § 101, the claim must either be tied to a particular machine or the claim must transform an article into a different state or thing. *Id.*

Claim 1 is directed to a “***computer method*** for effecting payment by check” that comprises:

- ***electronically receiving*** payment information for a check for a purchase transaction, the check drawing on a checking account of a particular account holder, the payment information comprising a date, a payee, a dollar amount, a legal amount, and a signature;
- in response to receiving the payment information:
 - determining the checking account of the particular account holder based on the payment information from the purchase transaction; and
 - retrieving, from a storage location storing a plurality of pre-stored image replacement document templates*** for each of a plurality of account holders, an image replacement document template associated with the checking account of the particular account holder used for the purchase transaction, the plurality of account holders comprising the particular account holder; and
- generating an image replacement document representative of the check by inserting the payment information into respective fields of the image replacement document template.

Thus, at least the emphasized language of Claim 1 makes clear that the method recited in Claim 1 is tied to a computer system. Because a computer system is a “machine,” the method of Claim 1 is “tied to a particular machine.” Therefore, the method recited in Claim 1 constitutes statutory subject matter under 35 U.S.C. § 101 according to the applicable case law.

For at least these reasons, Applicant respectfully submits that independent Claim 1 and its dependent claims meet the requirements of 35 U.S.C. § 101 and respectfully request that the 35 U.S.C. § 101 rejections of these claims be withdrawn.

Claim 17 is directed to a “*computer method* for effecting payment by check” that comprises:

- *generating, on an output device*, an *electronic image* of a check drawing on a checking account of an account holder;
- *receiving* payment information for the check *on the output device*;
- generating a snippet of the payment information; and
- *electronically transmitting* the snippet to a remote location for generation of an image replacement document representative of the check based on the snippet.

Thus, at least the emphasized language of Claim 17 makes clear that the method recited in Claim 1 is tied to a computer system. that the method recited in Claim 17 is tied to a computer system. Because a computer system is a “machine,” the method of Claim 17 is “tied to a particular machine.” Therefore, the method recited in Claim 17 constitutes statutory subject matter under 35 U.S.C. § 101 according to the applicable case law.

For at least these reasons, Applicant respectfully submits that independent Claim 17 and its dependent claims meet the requirements of 35 U.S.C. § 101 and respectfully request that the 35 U.S.C. § 101 rejections of these claims be withdrawn.

Claim 29 is directed to a “*computer method* for effecting payment by check” that comprises:

- *generating, on an output device*, an *electronic image* of a check drawing on a checking account of an account holder;
- *receiving* payment information for the check *on the output device*, the payment information comprising a date, a payee, a dollar amount, a legal amount, and a signature;
- generating a snippet of the payment information;
- *electronically transmitting* the snippet to a remote location;
- *electronically receiving* the snippet at the remote location;
- in response to receiving the snippet, *retrieving, from a storage location*, an image replacement document template associated with the checking account; and
- generating an image replacement document representative of the check by inserting the payment information from the snippet into respective fields of the image replacement document template.

Thus, at least the emphasized language of Claim 29 makes clear that the method recited in Claim 29 is tied to a computer system. that the method recited in Claim 29 is tied to a

computer system. Because a computer system is a “machine,” the method of Claim 29 is “tied to a particular machine.” Therefore, the method recited in Claim 29 constitutes statutory subject matter under 35 U.S.C. § 101 according to the applicable case law.

For at least these reasons, Applicant respectfully submits that independent Claim 29 and its dependent claims meet the requirements of 35 U.S.C. § 101 and respectfully request that the 35 U.S.C. § 101 rejections of these claims be withdrawn.

II. Claims 1-16 Comply with 35 U.S.C. § 112

The Examiner rejects Claims 1-16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully traverses these rejections and discusses independent Claim 1 as an example.

In particular, the Examiner rejects Claim 1 based on the language added by amendment in the RCE, namely “determining the checking account of the particular account holder based on the payment information from the purchase transaction.”

To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. *See Moba, B.V. v. Diamond Automation, Inc.*, 325 F.3d 1306, 1319, 66 U.S.P.Q.2d 1429, 1438 (Fed. Cir. 2003); M.P.E.P. ch. 2163(I). The Examiner has the initial burden of presenting by a preponderance of the evidence why a person skilled in the art would not recognize in an applicant’s disclosure a description of the invention defined by the claims. M.P.E.P. ch. 2163.III(A). “*The subject matter of the claim need not be described literally (i.e., using the same terms or in haec verba) in order for the disclosure to satisfy the written description requirement.*” M.P.E.P. ch. 2163.02 (emphasis added). To comply with the written description requirement, each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure. M.P.E.P. ch. 2163(II)(A)(3)(b). In addressing the Examiner’s rejection,

Applicant refers to example discussions within the Specification; however, reference to these portions should not be used to limit Applicant's claims.¹

Non-limiting support for the limitations of Claim 1 referenced by the Examiner can be found at least in Figure 6 and at page 4, lines 2-14; page 12, line 14 - page 13, line 6; and page 13, line 22 - page 14, line 8 of Applicant's Specification. While the particular phrasing used in the claim may not appear explicitly in the Specification, it is at least implicit, and one of ordinary skill in the art would appreciate, that the Specification discloses "determining the checking account of the particular account holder based on the payment information from the purchase transaction," as recited in Claim 1.

As just one particular non-limiting example, Page 12 of the Specification states that that "services company 116 includes image template database 122. Image template database 122 stores a plurality of image templates corresponding to the checking accounts of account holders, such as consumer 102." Page 12 of the Specification also states that "once payment information for a particular transaction is completed by consumer 102, then a snippet may be taken of the filled in information . . . and thereafter transferred to services company 116 via communications network 124. Pages 12-13 of the Specification further state that "IRD tool 120 may then . . . retrieve from image database 122 the *pertinent image template corresponding to the checking account of consumer 102* and merge the image template with the snippet received in order to create image replacement document 500."

For at least these reasons, Applicant respectfully submits that Claim 1 complies with 35 U.S.C. § 112, first paragraph, and requests reconsideration and allowance of Claim 1 and its dependent claims. For at least certain analogous reasons, Applicant respectfully submits that independent Claim 9 complies with 35 U.S.C. § 112, first paragraph, and requests reconsideration and allowance of Claim 9 and its dependent claims.

¹ See *Superguide Corp. v. DirecTV Enters., Inc.*, 2004 WL 253013, at *3 (Fed. Cir. 2004) (stating that the specification of a patent cannot be used to import limitations into a claim that are not recited in the claim to narrow or otherwise change the ordinary meaning of a claim term).

III. The Claims are Allowable over the Proposed *Buttridge-Robinson* Combination

The Examiner rejects Claims 1-35 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 2004/004606 by Buttridge et al. ("*Buttridge*") in view of U.S. Patent 6,978,046 to Robinson et al. ("*Robinson*"). Applicant respectfully traverses these rejections and discusses independent Claims 1, 17, and 29 as examples.

A. Independent Claims 1 and 9 and Their Dependent Claims are Allowable over the Proposed *Hoyt-Owens* Combination

Regarding Claim 1, which Applicant discusses as an example, the cited portions of the proposed *Buttridge-Robinson* combination fail to disclose, teach, or suggest at least the following limitations:

- in response to receiving the payment information:
 - determining the checking account of the particular account holder based on the payment information from the purchase transaction; and
 - retrieving, from a storage location storing a plurality of pre-stored image replacement document templates for each of a plurality of account holders, an image replacement document template associated with the checking account of the particular account holder used for the purchase transaction, the plurality of account holders comprising the particular account holder; and
- generating an image replacement document representative of the check by inserting the payment information into respective fields of the image replacement document template.

For example, the proposed *Buttridge-Robinson* combination fails to disclose, teach, or suggest "in response to receiving the payment information . . . determining the checking account of the particular account holder," as recited in Claim 1. As allegedly disclosing these limitations, the Examiner relies on allegedly inherent aspects of *Buttridge*, stating that:

Buttridge discloses at the point of sale receiving a transaction amount and the checking account information, see paras 0011. Inherently, Buttridge can use the received checking account information to determine the checking account of the particular account holder based on the payment information for from the purchase transaction.

(*Office Action* at 5).

Even assuming for the sake of argument only and not by way of concession that *Buttridge* discloses "electronically receiving payment information for a check for a purchase

transaction” as recited in Claim 1, Applicant respectfully submits that the Examiner has still failed to establish that the above recited limitation of Claim 1 is inherent in *Buttridge*. The Examiner bears the initial burden of proof to establish inherency. *See* M.P.E.P. ch. 2112. “To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing *may result* from a given set of circumstances is not sufficient.” MPEP ch. 2112.IV (emphasis added). “In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” M.P.E.P. ch. 2112 (emphasis in original).

Applicant respectfully submits that the Examiner, although relying upon the theory of inherency, has not provided a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flows from the teachings of the *Buttridge*, which is required to support a case of inherency. Furthermore, Applicant asserts that there is no basis in fact or technical reasoning that could be asserted by the Examiner to support the determination that “determining the checking account of an account holder,” as recited in Claim 1, necessarily flows from “electronically receiving payment information,” as allegedly disclosed in *Buttridge*.² Therefore, *Buttridge* does not disclose, teach, or suggest, either expressly or inherently, “in response to receiving the payment information . . . determining the checking account of the particular account holder,” as recited in Claim 1.

The cited portions of *Robinson* do not appear to account for these deficiencies of *Buttridge*, and the Examiner does not make any assertions to the contrary.

As another example, the proposed *Buttridge-Robinson* combination fails to disclose, teach, or suggest “in response to receiving the payment information . . . retrieving . . . an

² Applicant reiterates that Applicant assumes for the sake of argument only and not by way of concession that “electronically receiving payment information for a check for a purchase transaction” as recited in Claim 1, is disclosed in *Buttridge*.

image replacement document template associated with the checking account of the particular account holder,” as recited in Claim 1. The Examiner, having acknowledged that *Buttridge* does not explicitly disclose the above-recited limitation, states generally that “Robinson explicitly discloses an image replacement template.” (*Office Action* at 5-6). The Examiner cites column 2, lines 50-62 of *Robinson* as disclosing the above-recited limitation of Claim 1. (*Office Action* at 6). The cited portion of *Robinson* states:

The systems and methods according to this invention allow the scan/preparation user generate additional and/or replacement pages for an existing document that are visually coherent with the predetermined visual design theme of the document. According to the invention, the creation of additional and/or replacement pages is automated so that manual labor and human errors are reduced. In various embodiments of the invention, the automated page creation is provided by automated creation of a template for a page of the existing document. In various embodiments, the template is created from a scanned input.

(*Robinson*, col. 2, lines 50-62).

The Examiner does not point to any particular portion of *Robinson* as specifically disclosing “in response to receiving the payment information . . . retrieving . . . an image replacement document template,” as recited in Claim 1. Instead the Examiner states generally that an “image replacement document template” is disclosed in *Robinson*. (*Office Action* at 6). Even assuming for the sake of argument only and not by way of concession that *Buttridge* discloses “receiving payment information” as recited in Claim 1 and that *Robinson* discloses “retrieving an image replacement document template” as recited in Claim 1, the proposed *Buttridge-Robinson* combination would still fail to disclose, teach, or suggest retrieving an image replacement document template *in response to receiving the payment information*, as recited in Claim 1. Applicant respectfully submits that the Examiner appears to be selecting disjointed elements of the cited references and claiming that those disjointed elements can be combined such that Applicant’s claim is rendered obvious. However, neither cited reference discloses, teaches, or suggests “in response to receiving the payment information . . . retrieving . . . an image replacement document template associated with the checking account of the particular account holder,” as recited in Claim 1.

As yet another example, the proposed *Buttridge-Robinson* combination fails to disclose, teach, or suggest “generating an image replacement document representative of the

check,” as recited in Claim 1. The Examiner, having acknowledged that *Buttridge* does not explicitly disclose the above-recited limitation, cites column 2, lines 50-62 of *Robinson*, reproduced above, as disclosing the above-recited limitation of Claim 1. (*Office Action* at 6). In addition, the Examiner states that the “Robinson system generates an image replacement document representative of any documents. Thus Robinson replacement image document generator can generate an image replacement document representative of a check.” *Id.* Despite the Examiner’s assertion to the contrary, Applicant maintains that *Robinson* fails to disclose, teach, or suggest “generating an image replacement document representative *of the check*,” as recited in Claim 1.

The cited portions of *Buttridge* do not appear to account for these deficiencies of *Robinson*, and the Examiner does not make any assertions to the contrary.

Furthermore, even assuming for the sake of argument only and not by way of concession that the proposed *Buttridge-Robinson* combination did disclose each limitation recited in Claim 1, Applicant submits that the Examiner still has not demonstrated a *prima facie* case of obviousness because the Examiner has not provided an adequate reason either in the cited references or in the knowledge generally available to one of ordinary skill in the art at the time of Applicant’s invention to combine or modify the references in the manner proposed by the Examiner. As allegedly providing a reason for the proposed *Buttridge-Robinson* combination, the Examiner states the following:

[I]t would have been obvious to one of ordinary skill in the art to combine the teachings of Buttridge and Robinson so that manual labor and human errors are reduced when users generate additional and/or replacement pages for an existing document that are visually coherent with the predetermined visual design of a document.

(*Office Action*, p. 6).

Applicant respectfully submits that the Examiner’s statement for combining *Buttridge* with *Robinson* does not satisfy the stringent standards for establishing a *prima facie* case of obviousness. “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational

underpinning to support the legal conclusion of obviousness.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. ___, 127 S. Ct. 1727, 1741, 82 U.S.P.Q.2d 1385, 1396 (2007) (citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). The Office Action simply has not presented any “articulated reasoning with some rational underpinning” that it would have been obvious to make the proposed combination. If the type of explanation provided by the Examiner were sufficient, then any two references would be combinable if one of the references states an advantage of its system. Certainly that is not the law.

Applicant notes that “[t]he factual inquiry whether to [modify] references must be thorough and searching.” *In re Sang-Su Lee*, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Any “conclusory statements . . . do not adequately address the issue of motivation to combine.” *Id.* The Examiner’s identification of a perceived advantage of one of the references does not provide an adequate “factual inquiry.” The Examiner gives no technical reasoning as to how these systems can be combined and, if combined, would be successfully combined. This conclusory assertion surely cannot be said to be “thorough and searching.”

Applicant also notes that it is unclear why one of ordinary skill in the art would be motivated to combine the teachings of *Buttridge* and *Robinson* to reduce manual labor and human errors to generate an image replacement template representative of the original document, as asserted by the Examiner. Even assuming for the sake of argument only that *Robinson* discloses that its system generates an image replacement document template representative of any documents and that the replacement image document template generator can generate an image replacement document template representative of a check, as asserted by the Examiner, it is entirely unclear why supposedly reducing manual labor and human errors for users to generate additional and/or replacement pages for an existing document would lead one of ordinary skill in the art to combine these purported disclosures with the system of *Buttridge*, let alone how the combination would achieve these supposed advantages. The system in *Buttridge* scans a physical check at the point of sale and transfers the entire check’s image data to a store controller. (See *Buttridge* at paragraph 0011). *Robinson* provides automated creation of a template for a page of an existing document from a scanned input. (See *Robinson* at 1:31-33). Applicant respectfully asks the Examiner:

Where in the system of *Buttridge* would one of ordinary skill in the art of the time of Applicant's invention even incorporate the identified teaching of *Robinson*? Applicant also respectfully asks the Examiner: How would modifying *Buttridge* in such a way even achieve a reduction in manual labor and human error?

Thus, Applicant submits that the Examiner's attempt to combine *Buttridge* with *Robinson* appears to constitute the type of impermissible hindsight reconstruction of Applicant's claims, using Applicant's claims as a blueprint, that is specifically prohibited by the M.P.E.P. and governing Federal Circuit cases.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of independent Claim 1 and its dependent claims. For at least certain analogous reasons, Applicant respectfully requests reconsideration and allowance of independent Claim 9 and its dependent claims.

B. Independent Claims 17 and 22 and Their Dependent Claims are Allowable over the Proposed *Buttridge-Robinson* Combination

Regarding Claim 17, which Applicant discusses as an example, the cited portions of the proposed *Buttridge-Robinson* combination fail to disclose, teach, or suggest at least the following limitations:

- electronically transmitting the snippet to a remote location for generation of an image replacement document representative of the check based on the snippet

As allegedly disclosing "generating a snippet of the payment information," as recited in Claim 17, the Examiner cites paragraph 41 of *Buttridge*. (*Office Action* at 13). The cited portion of *Buttridge* states:

After the two outputs are transferred and stored in the data storage units, e.g., on the hard drive of the store controller and/or central controller, the store controller sends a completion message to the cash register indicating the end of the transaction, at 170. Alternatively, the cash register may send the transaction and image data to the store controller and the store controller then generates and forwards the required data to the batch data storage unit and to the authorization data storage unit.

(*Buttridge*, paragraph 41).

The Examiner also acknowledges that “Buttridge does not explicitly disclose electronically transmitting the snippet to a remote location for generation of an image replacement document representative of the check based on the snippet.” (*Office Action* at 13). In responding to Applicant’s previously presented arguments, however, the Examiner appears to suggest that *Buttridge* does in fact disclose at least “electronically transmitting the snippet to a remote location,” as recited in Claim 17, because the Examiner states that “the authorization storage unit [recited in paragraph 41 of *Buttridge*] is a remote location and the required data that is generated and forwarded . . . is akin to the applicant’s claimed snippet.” (*Office Action* at 23). The Examiner also cites to *Robinson* as allegedly disclosing “electronically transmitting the snippet to a remote location for generation of an image replacement document,” again merely asserting that the “Robinson system generates an image replacement document representative of any documents.” (*Office Action* at 13).

Even assuming for the sake of argument only and not by way of concession that *Buttridge* discloses “generating a snippet,” as asserted by the Examiner, and that *Robinson* discloses the “generation of an image replacement document representative of the check,” as asserted by the Examiner, the proposed *Buttridge-Robinson* combination would still fail to disclose, teach, or suggest “electronically transmitting the snippet to a remote location for generation of an image replacement document representative of the check *based on the snippet*,” as recited in Claim 17. As stated above, Applicant respectfully submits that the Examiner appears to be selecting disjointed elements of the cited references and claiming that those disjointed elements can be combined such that Applicant’s claim is rendered obvious. However, neither cited reference discloses, teaches, or suggests “electronically transmitting the snippet to a remote location for generation of an image replacement document representative of the check based on the snippet,” as recited in Claim 17.

Furthermore, for reasons substantially similar to those discussed above with regard to independent Claims 1 and 9, Applicant submits that the Examiner’s attempt to combine *Buttridge* with *Robinson* appears to constitute the type of impermissible hindsight reconstruction of Applicant’s claims, using Applicant’s claims as a blueprint, that is specifically prohibited by the M.P.E.P. and governing Federal Circuit cases.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of independent Claim 17 and its dependent claims. For at least certain analogous reasons, Applicant respectfully requests reconsideration and allowance of independent Claim 22 and its dependent claims.

C. Independent Claim 29 and its Dependent Claims are Allowable over the Proposed Buttridge-Robinson Combination

Regarding Claim 29, which Applicant discusses as an example, the cited portions of the proposed *Buttridge-Robinson* combination fail to disclose, teach, or suggest at least the following limitation recited in Claim 29:

- in response to receiving the snippet, retrieving, from a storage location, an image replacement document template associated with the checking account; and
- generating an image replacement document representative of the check by inserting the payment information from the snippet into respective fields of the image replacement document template

As allegedly disclosing the above recited limitations, the Examiner relies on *Robinson*. (*Office Action* at 18). For reasons substantially similar to those discussed above with regard to independent Claim 1, 9, 17, and 22, Applicant maintains that *Robinson* does not disclose, teach, or suggest either “in response to receiving the snippet, retrieving, from a storage location, an image replacement document template associated with the checking account” or “generating an image replacement document representative of the check by inserting the payment information from the snippet,” both of which are recited in Claim 29.

The cited portions of *Buttridge* do not appear to account for these deficiencies of *Robinson*, and the Examiner does not make any assertions to the contrary.

Furthermore, for reasons substantially similar to those discussed above with regard to independent Claims 1 and 9, Applicant submits that the Examiner’s attempt to combine *Buttridge* with *Robinson* appears to constitute the type of impermissible hindsight reconstruction of Applicant’s claims, using Applicant’s claims as a blueprint, that is specifically prohibited by the M.P.E.P. and governing Federal Circuit cases.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of independent Claim 29 and its dependent claims.

IV. No Waiver

All of Applicant's arguments and amendments are without prejudice or disclaimer. Additionally, Applicant has merely discussed example distinctions from the reference cited by the Examiner. Other distinctions may exist, and Applicant reserves the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicant does not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicant are sufficient to overcome the Examiner's rejections.

Conclusion

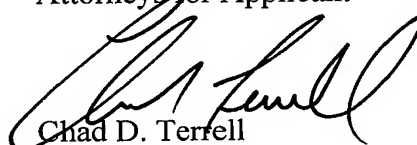
Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Chad D. Terrell, Attorney for Applicant, at the Examiner's convenience at (214) 953-6813.

Although Applicant believes no fees are due, the Commissioner is hereby authorized to charge any necessary fees or credit any overpayments to Deposit Account No. 05-0765 of Electronic Data Systems Corporation.

Respectfully submitted,

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Date: November 6, 2008

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